

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION**

**GARY S LOGSDON,**

**Plaintiff,**

**v.**

**Case No: 5:20-cv-335-Oc-PGBPRL**

**KENNETH H DAVIS and SHERRY R  
MANSFIELD,**

**Defendants.**

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**ORDER**

In this action, Plaintiff has alleged a cause of action against Defendants for wrongful detention/release of lien based upon Section 713.76, Florida Statutes. (Doc. 12). The subject Claim of Lien is for the care and maintenance of three horses owned by Plaintiff. (Doc. 12-9). The person claiming the lien is “Kenny Davis” and the amount of the lien is \$59,351.00. (Doc. 12-9).

Section 713.76 which governs the release of lien by filing bond, provides as follows:

(1) Any lienor may release his or her property from any lien claimed thereon under this part by filing with the clerk of the circuit court a cash or surety bond, payable to the person claiming the lien, in the amount of the final bill, and conditioned for the payment of any judgment which may be recovered on said lien, with costs.

(2) Whenever a lienor brings an action in the appropriate court with respect to any property which has been wrongfully detained by a lienor in violation of this section, the lienor, upon a judgment in the lienor’s favor, shall be entitled to damages, reasonable court costs, and attorney’s fees sustained by the lienor by reason of such wrongful detention.

(3) Any lienor who, upon the posting of the bond, fails to release or return the property to the lienor pursuant to this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.


On July 31, 2020, the clerk received registry monies from Plaintiff in the amount of \$60,888.20, which represents the face amount of the lien at issue (\$59,351.00) plus the federal post-judgment rate of 2.59%. (Doc. 11). Now, in the instant motion, Plaintiff seeks an order requiring Defendants to release to Plaintiff the horses claimed within the Claim of Lien. Pursuant to § 713.76, the posting of the required bond into the registry is the sole condition precedent to the granting of this relief.

Accordingly, Plaintiff's motion (Doc. 13) is due to be **GRANTED**. Defendants shall immediately release to Plaintiff the following horses claimed within the Claim of Lien:

1. A 2-year-old colt Chitu x Prize Informant, chestnut, blaze, socks;
2. A 2-year-old Chitu x Something Casual, bay colt with slight white mark;
3. 3. A 2-year-old Exaggerator x Declaim, black dark brown colt.

Plaintiff shall serve a copy of this Order on Defendants.

**DONE and ORDERED** in Ocala, Florida on August 7, 2020.

  
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PHILIP R. LAMMENS  
United States Magistrate Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties